

NOTICE OF PROPOSED CHANGES IN REGULATIONS OF THE
CALIFORNIA DEPARTMENT OF SOCIAL SERVICES (CDSS)

ITEM # 1 CCL Adult Residential Facilities - Waivers and Exceptions

CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held May 18, 2005, as follows:

May 18, 2005
Office Building # 9
744 P St. Auditorium
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on May 18, 2005.

CDSS, upon its own motion or at the instance of any interested party, may adopt the proposals substantially as described or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

CONTACT: Office of Regulations Development
California Department of Social Services
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CHAPTERS

Title 22, Division 6, Chapter 1 (General Licensing Requirements), Section 80072 (Personal Rights) and Chapter 6 Section 85068 (Acceptance and Retention Limitations)

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current licensing standards and existing regulations provide protection for clients who use postural supports by prohibiting the use of the support as a form of restraint. These amendments repeal references to the approval requirement from the Department for postural supports and specify that the client's physician's order for the postural support must be maintained in the client's record. The amendment for the requirement of bed rails that extend half the length of a client's bed is to clarify the condition upon use. These amendments will effectively reduce Department staff procedures and costs, thereby, allowing Departmental resources to be applied toward the oversight of more important health and safety issues.

Current regulations require facilities to apply for Department approved waivers and exceptions to accept individuals who are over the age of 59 to reside in an Adult Residential Facility. These amendments eliminate the need for Department approved waivers and exceptions by allowing facilities to accept and retain individuals over the age of 59 whose needs are compatible with other clients, if they require the same level of care and supervision as do the other clients in the facility, and the licensee is able to meet their needs. These amendments will effectively reduce Department staff procedures and costs, thereby, allowing Departmental resources to be applied toward the oversight of more important health and safety issues.

COST ESTIMATE

1. Costs or Savings to State Agencies: No additional costs or savings because these regulations make only nonsubstantive or clarifying changes.
2. Costs to Local Agencies or School Districts: No additional costs or savings because these regulations make only nonsubstantive or clarifying changes and do not affect any local entity or program.
3. Nondiscretionary Costs or Savings to Local Agencies: None
4. Federal Funding to State Agencies: No additional costs or savings because these regulations make only nonsubstantive or clarifying changes.

LOCAL MANDATE STATEMENT

These regulations do not impose a mandate on local agencies or school districts. There are no state-mandated local costs in this order that require reimbursement under the laws of California.

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES
CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SMALL BUSINESS IMPACT STATEMENT

CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations clarify the waiver/exception process to obtain Departmental approval to provide care for clients who are over age 59 and clients who use postural supports.

ASSESSMENT OF JOB CREATION OR ELIMINATION

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

STATEMENT OF ALTERNATIVES CONSIDERED

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Health and Safety Code Section 1530. Subject regulations implement and make specific Health and Safety Code Sections 1511, 1507, and 1531.

CDSS REPRESENTATIVE REGARDING RULEMAKING PROCESS OF THE PROPOSED REGULATION

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AGENDA ITEM(S) FOR THIS PUBLIC HEARING - May 18, 2005

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